

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARLOS V. GONZALES,

Plaintiff,

vs.

Civ. No. 14-484 WJ/KK

**NURSE DAISY LNU of the Valencia
County Detention Center Medical Staff,**

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Proposed Findings and Recommended Disposition by United States Magistrate Judge Kirtan Khalsa, filed September 8, 2015. (Doc. 24.) The parties have not filed any objections. The failure to make timely objections to the Magistrate Judge's Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 24) is adopted.

IT IS FURTHER ORDERED that Defendant Daisy's Motion for Summary Judgment (Doc. 11) is **DENIED**;

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment raised in the *Martinez* Report as to Plaintiff's federal claims is **GRANTED**, and that Plaintiff's constitutional claims against Defendant Daisy is **DISMISSED WITH PREJUDICE**; and,

IT IS FURTHER ORDERED that Plaintiff's state law tort claim is **REMANDED** to the Thirteenth Judicial District Court, County of Valencia, State of New Mexico.



WILLIAM P. JOHNSON
United States District Judge